

CHAPTER 7. THE CITY SOLICITOR.

SECTION 101. ESTABLISHMENT. There shall be an officer of the City who shall have the title of City Solicitor, appointed by the City Council to serve at the pleasure of the Council.

SECTION 102. DUTIES. The City Solicitor shall:

SECTION 102.1. Be charged with the performance of all legal services on behalf of the City, including those of legal advisor to the City Council, the City Manager, and to all departments and officials of the City.

SECTION 102.2. Upon the request of the City Council or the City Manager, take the necessary steps to arrange for the prosecution of a violation of any code, ordinance, Charter or state law .

SECTION 102.3. Represent the City in matters in which the City is interested coming before any court or tribunal.

SECTION 102.4. Draft any legislation when required by the City Council or City Manager.

SECTION 102.5. Report to the City Council when required as to the form and legality of all legislation.

SECTION 102.6. Whenever any City Official or other person is required by any law, ordinance or contract, or by the order of the City Council, to furnish bond, and such bond is presented to him or her by the person required to furnish the same, certify thereon whether or the same is properly drawn and legally sufficient, if requested to do so by the City Council.

SECTION 102.7. Perform such other duties as may be required by the City Council.

SECTION 102.8. Make an annual report to the City Manager and the City Council, when requested to do so, which shall include a record of all claims outstanding at commencement of fiscal year, all new claims, all claims closed, and status of outstanding claims.

SECTION 102.9. Call to the attention of the City Council and the City Manager all matters of law affecting the City.

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SECTION 102.10. The City Solicitor shall attend such meetings of the City Council as the City Solicitor may be required to attend by the Chairman of the City Council, the Vice Chairman of the City Council, two (2) members of the City Council, the City Manager or the City Clerk.

SECTION 102.11. Render all formal legal opinions in writing, insofar as practicable.

SECTION 102.12. Appear before the Maine State Legislature or any Committee thereof, when required by the City Council, and there in behalf of the City represent answer for, defend and advocate the interests and welfare of said City, whenever the same may be directly or incidentally affected, whether to prosecute or defend the same.

SECTION 102.13. The City Solicitor shall research and respond to legal issues relating to City affairs, to the extent possible, when requested to do so by any of the following:

- (a) Chairman of the City Council
- (b) Vice Chairman of the City Council
- (c) Any City Councilor
- (d) City Manager
- (e) City Clerk
- (f) Assessor
- (g) Any other Department head with the permission of the City Manager
- (h) Any board or agency of the City with the permission of the Chairman or Vice Chairman of the City Council.

SECTION 103. PROCEDURE FOR REQUESTING LEGAL SERVICES. Any City Council Member, the City Manager or any City Department head may request a legal opinion or legal services from the City Solicitor regarding city business. Requests to the City Solicitor for legal opinions or legal services from any city employee other than the City Manager or a Department Head must be approved by the employee's Department Head. Requests to the City Solicitor for legal opinion or legal services from the chairpersons of standing committees of the city council and/or other city boards or agencies must be approved by the Chairman, Vice-Chairman or the City Manager.

SECTION 104. Correspondence. The City Solicitor shall not send a letter or any written material to any third party on behalf of a member of the City Council without the consent of a majority of the City Council.

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SECTION 105. SUBSTITUTE. In the event the City Solicitor has a conflict or there is a need for specific legal expertise, the City Manager, after consultation with the Chairman or Vice-Chairman, can employ substitute legal counsel on behalf of the City. In any matter involving the City Manager, the Chairman or Vice-Chairman can employ substitute legal council in the event of a conflict or need for specific expertise.